

PATENT COOPERATION TREATY



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference BET 02/0273	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR2003/000003	International filing date (day/month/year) 02 janvier 2003 (02.01.2003)	Priority date (day/month/year) 03 janvier 2002 (03.01.2002)
International Patent Classification (IPC) or national classification and IPC B65D 41/48		
Applicant TETRA LAVAL HOLDINGS & FINANCE S.A.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☐ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 18 juillet 2003 (18.07.2003)	Date of completion of this report 01 April 2004 (01.04.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR2003/000003

I. Basis of the report

1. This report has been drawn on the basis of *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.)*;

☒ the international application as originally filed.

☐ the description, pages 1-9, as originally filed,
 pages _____, filed with the demand,
 pages _____, filed with the letter of _____,
 pages _____, filed with the letter of _____.

☐ the claims, Nos. 1-11, as originally filed,
 Nos. _____, as amended under Article 19,
 Nos. _____, filed with the demand,
 Nos. _____, filed with the letter of _____,
 Nos. _____, filed with the letter of _____.

☐ the drawings, sheets/fig 1/6-6/6, as originally filed,
 sheets/fig _____, filed with the demand,
 sheets/fig _____, filed with the letter of _____,
 sheets/fig _____, filed with the letter of _____.

2. The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/fig _____

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	2-6, 8-11	YES
	Claims	1, 7	NO
Inventive step (IS)	Claims	2-6, 8-11	YES
	Claims	1, 7	NO
Industrial applicability (IA)	Claims	1-11	YES
	Claims		NO

2. Citations and explanations

1. The present application fails to comply with the requirements of PCT Article 33(2) since the subject matter of **claims 1 and 7** does not meet the requirement of **novelty** defined in PCT Article 33(2), for the following reasons:

- 1.1 **Document US 3 994 409 A**, which is considered to be the prior art closest to the subject matter of **independent claim 1**, describes (the reference signs between parentheses apply to this document) all of the features in **claim 1**, namely:
- "a device for sealing a container (see figure 1, reference sign "13") provided with a neck (see figures 1, 2 and 3; reference sign "19"), which device includes:
- a first portion forming a seal (see figures 3 and 4, reference sign "39"),
 - a second, ring-shaped portion (see figures 3 and 4, reference sign "41") positionable around the neck (see figures 1, 2 and 3; reference sign "19"), and
 - a third portion forming a tamper-evident tab (see figures 1 to 4, reference sign "37") linking the first portion (see figures 3 and 4, reference sign "39") and the second portion (see figures 3 and 4,

reference sign "41") and connected to said first and second portions (see figures 3 and 4, reference signs "39" and "41") via frangible means (see figures 1 and 2, reference signs "49" and "51") in such a way that said tab can be removed at the time of first use and the seal can be released (see figures 3 and 4, reference sign "39"), wherein said device defines means (see figures 1 to 4, reference signs "61" and "63") for disposing of the tamper-evident tab (see figures 1 to 4, reference sign "37") once it has been separated from the first and second portions (see figures 3 and 4, reference signs "39" and "41")."

- 1.2 **Document US 3 994 409 A**, which is also considered to be the prior art closest to the subject matter of **independent claim 7**, describes (the reference signs between parentheses apply to this document) all of the features in **claim 7**, namely:
"a container (see figure 1, reference sign "13") provided with a neck (see figures 1, 2 and 3; reference sign "19") comprising a sealing device as per claim 1 mounted on said neck (see figures 1, 2 and 3; reference sign "19")."
2. The technical features in claims 2 to 6 or 8 to 11 appear to be novel (PCT Article 33(2)), to involve an inventive step (PCT Article 33(3)) (to be non-obvious) and to be industrially applicable (PCT Article 33(4)).
3. Contrary to the requirement of PCT Rule 5.1(a)(ii), the relevant prior art disclosed in **document US 3 994 409 A** has not been indicated in the description, nor has this document been cited.